

REMARKS

Claims 11-15 and 21-46 have been cancelled. Claims 1, 16, and 20 have been amended to clarify the subject matter regarded as the invention. Claims 1-10 and 16-20 are pending.

Claim Rejections – 35 U.S.C. §101

Claim 1 has been amended in a manner that is believed to overcome the rejection under 35 U.S.C. §101. Specifically, using a processor is now recited. As Claims 2-5 depend from Claim 1, their rejection under 35 U.S.C. §101 is also believed to have been overcome.

Double Patenting

Claims 1-10 and 16-20 have been rejected under the judicially created doctrine of obviousness-type double patenting. It is believed that the Terminal Disclaimer filed herewith is sufficient to overcome the double patenting rejection.

Claim Rejections – 35 U.S.C. §112

Claims 1, 16, and 20 have been amended in a manner that is believed to overcome the Examiner's rejections of those claims under 35 U.S.C. §112, second paragraph.

Claim Rejections – 35 U.S.C. §103(a)

The Examiner has rejected Claims 1-10 and 16-20 under 35 U.S.C. §103(a) as being unpatentable over Johnson (WO 98/38844) in view of Carlton-Foss (US Patent No. 6,647,373) further in view of Porat (US Patent No. 7,330,826). The rejections are respectfully traversed.

The rejection is respectfully traversed. On Page 7 of the Office Action, the Examiner states:

Porat teaches an auction between a plurality of potential bidders, comprising creating a buyer view of the auction that includes a first value included in the sequence of generated values, prior to displaying a price to a first potential bidder, transforming, using a characteristic of an auction item, said first value into a first bidder comparative bid parameter value, creating a first bidder view of the auction, for said first potential bidder,

that includes the first bidder comparative bid parameter value, prior to displaying a price to a second potential bidder, transforming said first value into a second bidder comparative bid parameter value, and creating a second bidder view of the auction, for said second potential bidder, that includes the second bidder comparative bid parameter value (Figure 23-45; see especially Figure 39 and 42, column 31, lines 27-57, column 36, line 24- column 41, line 44).

Applicants respectfully disagree.

Figure 39 of Porat is described as being “an exemplary user interface U700 that displays value scores for seller offers.” Figure 42 of Porat is described as being “an exemplary user interface U900 that lets a buyer limit the number of seller offers displayed to the buyer.” Porat, at 31:27-57, states that “major categories of transaction costs are significantly reduced by providing the buyer and the seller with near-perfect information about one another.” In Porat, the buyer “is assisted in creating a template that specifies her preferences to potential sellers.” During an auction, “seller bots adjust the sellers’ offers based on near perfect information about the buyer and the competition.” The near perfect information is described as including “detailed information about the buyer’s current preferences, demographics, and previous buying history” as well as “detailed information about competing sellers’ offers.” Porat further states that the offers are “multidimensional, i.e. based on more than just price.” Next, Porat states that “an automated recommender” is provided “to help the buyer identify the best offers according to the buyer’s preferences.” Porat, at 36:24-41:44, describes “several methods for buyers to navigate through the process, which depend on the buyer’s level of expertise.” Processes, such as the one “by which the buyer formulates RFO 10 requests,” “receives initial offers,” “specifies her preferences,” “requests and receives adjusted offers,” etc., are described.

Applicants are unable to locate in Porat where the “transforming” of value, included in a sequence of generated values, occurs. Applicants are thus also unable to locate in Porat where such transformed values are included in created bidder views of an auction. Further, Applicants performed a text search of Porat and were unable to find the term “transform” anywhere therein. Accordingly, Claims 1, 6, and 16 are believed to be allowable.

Claims 2-5 depend from Claim 1 and are believed to be allowable for the same reasons described above.

Claims 7-10 depend from Claim 6 and are believed to be allowable for the same reasons described above.

Claims 17-20 depend from Claim 16 and are believed to be allowable for the same reasons described above.

The foregoing amendments are not to be taken as an admission of unpatentability of any of the claims prior to the amendments.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,


Robyn Wagner
Registration No. 50,575
V 408-973-2596
F 408-973-2595

Dated: January 29, 2010

VAN PELT, YI & JAMES LLP
10050 N. Foothill Blvd., Suite 200
Cupertino, CA 95014